

DIAA Board of Directors' Meeting
 Thursday, October 8, 2020 – 9:00 A.M.
 Video Conference Call*

Minutes

<u>Names</u>		<u>Names</u>	
Dr. Bradley Layfield - Chairperson	P	Jeremy Jeanne	P
Dr. Kathleen Andrus	P	Ted Laws	P
Dr. Bradley Bley	P	Chuck Little	A
Mike Breeding	P	Douglas Thompson	P
Robert Cilento	P	Stan Waterman	P
Dr. Matthew Donovan	P	Robert Watson	P
Dr. Evelyn Edney	P	Michael Rodriguez –DOE Associate Secretary	P
Vetra Evans-Gunter	P	Donna Polk – DIAA Executive Director	P
Dr. Kevin Fitzgerald	P	Laura Makransky – Deputy Attorney General	P
Bruce Harris	A	Stephanie Mark-DIAA Coordinator	P
Mike Hart	P	Amoscita Rodriguez-DIAA Secretary	P
P= Present A = Absent L= Late arrival			

I. Opening

A. Call to Order

The Meeting was called to order by Dr. Layfield at 9:01 am.

B. Roll Call

Please see above

C. Approval of Agenda

Mr. Hart made a motion to approve the agenda and the motion was seconded by Mr. Breeding, The motion carried with a vote 15 Yes [Andrus, Bley, Breeding, Cilento, Donovan, Edney, Evans-Gunter, Fitzgerald, Hart, Jeanne, Laws, Layfield, Thompson, Waterman, and Watson] and 0 No

D. Approval of Minutes of DIAA September 10, 2020 Board Meeting

Due to (transcription) technical difficulties these minutes will be reviewed at the next meeting.

E. Approval of Minutes of DIAA September 24, 2020 Special Board Meeting

Dr. Donovan made a motion to approve the Minutes of DIAA September 24, 2020 Special Board Meeting; the motion was seconded by Ms. Evans-Gunter. The motion carried with a vote 14 Yes [Bley, Breeding, Cilento, Donovan, Edney, Evans-Gunter, Fitzgerald, Hart, Jeanne, Laws, Layfield, Thompson, Waterman, and Watson], 0 No and 1 Abstention (Andrus)

Ms. Makransky gave the Board of Director a legal and ethics refresher by reading them the Code of Conduct.

F. DIAA Financial Report

The monthly financial report was posted on Simbli for the Board of Directors to review. Ms. Polk answered a few questions that the Board had regarding the financial report. Mr. Breeding made a motion to approve the Financial Report and the motion was seconded by Dr. Andrus. The motion carried with a unanimous vote 15 Yes [Andrus, Bley, Breeding, Cilento, Donovan, Edney, Evans-Gunter, Fitzgerald, Hart, Jeanne, Laws, Layfield, Thompson, Waterman, and Watson] and 0 No.

II. Action Items

A. 2020-21 Budget Approval

i. Student Accident Insurance

Ms. Polk reviewed the budget with the Board and she shared that the spending authority for DIAA is \$848,400. She stated that \$222,000.00 was lost as a result of the cancellation of Basketball championship tournaments and spring sports. Ms. Polk stated that DIAA will still have expenses totaling \$373, 000.

Mr. Jeanne presented questions to Ms. Polk regarding the student accidental insurance that DIAA used to pay but can no longer cover the cost. Ms. Makransky informed the Board that according to the governing statute Title 14 of Delaware Code does not authorize DIAA to purchase insurance for itself or member schools. As a unit of the Delaware Department of Education, DIAA has sovereign immunity and only the general assembly has the authority to waive sovereign immunity. If DIAA purchased insurance for member schools they would waive their sovereign immunity therefore exposing itself and the Department of Education to liability.

Dr. Fitzgerald asked why was DIAA able to pay for the accidental insurance for over 23 years and now it can not. He also asked what benefits are member schools getting for the dues that they pay, if the dues don't include insurance. Ms. Polk explained that the benefits of being a member of DIAA includes:

- The ability to play other DIAA member schools;
- The opportunity to compete for DIAA sport championships;
- National Federation of State High School Associations (NFHS) publications and rules books for all sports for member school's head coaches and athletic directors;
- Rules Clinics for member schools' coaches;
- The opportunity to nominate students for DIAA Scholar Athlete Scholarships;
- The opportunity to nominate students for the NFHS and DIAA Student Leadership Conferences; and
- The ability to participate in DIAA Sports and Rules Committees.
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Mr. Rodriguez informed the Board that in the two most recent DIAA leadership transitions changes were made to ensure that all contracts and expenditures are vetted. It appears that in the past all DIAA contracts were not vetted. Many of the former processes were not aligned with DOE policy and procedures. So,

everything is being scrutinized to make sure things are being done right So, when it was time to renew the insurance policies, Mr. Rodriguez had the contract reviewed and this is when it was determined that DIAA has sovereign immunity.

Mr. Watson made a motion to approve the budget and the motion was seconded by Mr. Laws. The motion carried with vote 10 Yes [Andrus, Bley, Breeding, Donovan, Edney, Evans-Gunter, Layfield, Thompson, Waterman and Watson] and 5 No [Cilento, Fitzgerald, Hart, Jeanne, and Laws].

B. DAAD Proposal

Mr. Hart presented the proposal for DAAD. As a result of COVID-19 Ms. Polk asked Mr. Hart if DAAD could work with a budget of \$7400 instead of the original budget of \$15,550. Dr. Layfield made a motion to approve the DAAD Proposal with a budget of \$7400 and the motion was seconded by Dr. Donovan. The motion carried with a vote 13 Yes [Andrus, Bley, Breeding, Cilento, Donovan, Edney, Evans-Gunter, Fitzgerald, Laws, Layfield, Thompson, Waterman, and Watson] and 0 No, 2 Recusals [Hart, Jeanne].

C. Regulations 1008/1009

Amendments to the Regulations 1008/1009 were reviewed and approved by the Board in the late spring of 2020; it is now time for the regulations to be presented to the state Board. Mr. Laws made a motion to forward the amended regulations to the state board for review and approval. The motion was seconded by Dr. Andrus and carried with a unanimous vote 15 Yes [Andrus, Bley, Breeding, Cilento, Donovan, Edney, Evand-Gunter, Fitzgerald, Hart, Jeanne, Laws, Layfield, Thompson, Waterman, and Watson] and 0 No.

D. Approval and Appointment of Committee Members

Mr. Jeanne made a motion to approve the committee appointments and the motion was seconded by Mr. Hart. The motion carried with a unanimous vote 15 Yes [Andrus, Bley, Breeding, Cilento, Donovan, Edney, Evans-Gunter, Fitzgerald, Hart, Jeanne, Laws, Layfield, Thompson, Waterman, and Watson] and 0 no. The following appointments were approved

Unified Sports	Jon Buzby	Chariman
Volleyball	Tyler Coupe	Committee Member

III. Coronavirus COVID-19 Impact

A. 2020-2021 Membership Status due to COVID-19

Ms. Polk reported that as a result of COVID-19 there are six schools that will not be participating as DIAA members for the 2020-21 school year. Dr. Layfield stated that the schools would have to request a waiver of dues, similar to the way schools request waivers for 8th grade students to play high school sports. Ms. Makransky also stated that the guidelines in regulations 1006 for procedure for non-eligibility rules should be followed. Dr. Layfield charged Ms. Polk with having these schools request waivers at the November Board meeting.

B. Division of Public Health Update

Dana Carr, representative from DPH answered questions from the Board regarding COVID 19 issues such as contact tracing and the wearing of face masks during competitions.

C. Sports Seasons Consideration during the Academic Year 2020-21

i. Member School Fall Sports Participation Report

Ms. Mark shared the results of a survey of the member schools regarding what Fall sports they were going to participate in, This was informational, no action required.

ii. DIAA Sports Medicine Advisory Report

Ms. Mark reports that an email request went out to all Member Schools on multiple occasions asking to fill out a survey to report on out of season activities. 51/61 Member high schools responded. Dr. Bley added that questions and answers regarding COVID-19 and PPE Form have been added to the website. Dr Bley reviewed some of the topics at the last SMAC meeting (i.e. masks and mouth guards).

Dr. Layfield called for a recess at 11:20 am and the meeting reconvened at 11:39 am.

iii. DIAA Officials Committee Report

Dr. Bley updated the Board on recent SMAC meeting.

iv. .DIOC – Fall Sport Season/Officials Agreement

Greg Bulger, President of DIOC reviewed rule proposals created by DIOC included COVID-19 Mask Rule Proposal, Bench and Sideline Mask, Compliance, and Equipment Sanitation..

v. Fall 2020 Tournaments

1. Fall Sports Sport Specific Guidance

Mr. Cilento made a motion to approve the sort specific guidance presented by the Volleyball Committee; the motion was seconded by Mr. Hart and carried with a unanimous vote of 13 Yes and 0 no.

2. Fall Sports Committee Recommendations for Tournament

There was review and some discussion of sports committee recommendations for championship tournaments,

Dr. Layfield called for a 2nd recess at 12:56 pm and the meeting reconvened at 1:11 pm.

Dr. Donovan and Ms. Evans-Gunter did not return to the meeting after the recess.

D. Emergency Regulation 1010 Interscholastic Athletics During COVID-19 Pandemic

i. Petitions Received Since September 10, 2020 Board Meeting

As of 10/5/20 DIAA received 38 petitions/emails and 21 of the 38 identified a school connection. There were 16 emails regarding Salesianum concern of inequity in football scheduling. A student athlete group has started a petition against the wearing of masks while playing sports. Dr. Layfield stated that the Board is charged to consider petitions/correspondence and has done such.

ii. Coaching Out of Season

When Fall sports was reinstated the regulations only permit Fall coaches to continue coaching students out of season. (Emergency Regulations 1010 4.5.6.9 and 4.5.7.8). There was some concern about possibly amending this regulation. After discussion, the Board decided to not make any amendments to this regulation; therefore no vote was required. Dr. Layfield also charged Ms. Polk to survey the member schools and inquire if the Fall coached were still coaching leagues for winter and spring sports and identify if they started before Fall sports were reinstated.

iii. Scrimmages

Dr. Bley asked the Board why there was a need for scrimmages. From a medical perspective, he stated that this is additional opportunity for possible exposure to the Coronavirus.

Mr. Jeanne made a motion to allow member schools to have one scrimmage beginning 10/16/20 and the motion was seconded by Mr. Cilento. Although the motion received a majority of 8 Yes votes and 5 No, the change in regulations requires a majority of 10 votes. Dr. Layfield charged Ms. Polk to inform member schools that any scrimmages would be included as part of their maximum game limitations.

iv. DIAA Non-Conference School Scheduling

Scott Mosier, Athletic Director, from Salesianum High School informed the board that the football season is scheduled to begin in two weeks and Salesianum only has 3 games scheduled. He stated that because the season was reduced to 7 games instead of 10 the conferences have scheduled their games with other conference schools. He stated that “he knows DIAA does not get involved in scheduling”, but would like them to recognize that adjustments to the rules may solve the issue. Mr. Mosier suggested that a possible remedy would be to eliminate automatic bids to the state tournament for Blue Hen and Cape Henlopen Conferences. In the letter submitted by Salesianum it stated that they asked to be included into the Blue Hen Conference this year especially due to COVID19. Ms. Polk asked Mr. Mosier when did Salesianum apply to join a conference and he stated that they didn’t.

Dr. Layfield made a motion to charge the football committee to drop automatic bid for the 2020-21 school year, the motion was seconded by Mr. Hart. The motion did not carry due to a vote of 5 Yes [Andrus, Hart, Jeanne, Laws, and

Layfield] and 8 No [Bley, Breeding, Cilento, Edney, Evans-Gunter, Fitzgerald, Thompson and Waterman].

- v. Emergency Regulation 1010 Interscholastic Athletics During COVID-19 Pandemic Renewal

Dr. Layfield made a motion to renew regulation 1010 for 60 days or until permanent regulation 1011 goes into effect. The motion was seconded by Mr. Laws and carried with a unanimous vote of 13 Yes [Andrus, Bley, Breeding, Cilento, Edney, Fitzgerald, Hart, Jeanne, Laws, Layfield, Thompson, Waterman, and Watson] and 0 No.

- vi. Amendments to Emergency Regulation 1010

The Board reviewed the following suggested amendments:

3.0 3.2.2. Remove “School Nurse”

3.3.1.1 Remove “School Nurse” 3.3.2.1 remove “School Nurse”

4.5.3.2.1 and 4.5.3.2.2 Keep “Temperature checks”

4.5.3.3.4 Remove “School Nurse”

4.5.3.3 Keep “Reasonable accommodations”

4.5.3 No change to Scrimmages but will consider waiver requests

5.6.1.15.3 Add “area designated by officials” and delete “add one captain”

Mr. Jeanne made a motion to accept the changes/amendments to Regulation 1010 and the motion was seconded by Mr. Hart. The motion carried with a unanimous vote of 13 Yes [Andrus, Bley, Breeding, Cilento, Edney, Fitzgerald, Hart, Jeanne, Laws, Layfield, Thompson, Waterman, and Watson] and 0 No.

E. Determine Stage for DIAA Return to Play Plan

Dr. Layfield made a motion to determine that DIAA is in Stage 4 of Return to Play; the motion was seconded by Mr. Laws. The motion carried with a unanimous vote 13 Yes [Andrus, Bley, Breeding, Cilento, Edney, Fitzgerald, Hart, Jeanne, Laws, Layfield, Thompson, Waterman, and Watson] and 0 no.

E. 2019-20 Carryover Ejection Suspension

Dr. Layfield made a motion to waive any carryover suspensions due ejections at the end of the Fall sports season ending 2019. The motion was seconded by Mr. Hart and carried with a unanimous vote 13 Yes [Andrus, Bley, Breeding, Cilento, Edney, Fitzgerald, Hart, Jeanne, Laws, Layfield, Thompson, Waterman, and Watson] and 0 no.

F. Creation of DIAA COVID Board Officer and Committee

Dr. Layfield requested that the Board members consider serving on a committee of possibly 3 to review COVID issues.

IV. DIAA Waiver Hearing Options

Dr. Layfield informed the Board about possibly creating a committee to help Ms. Polk review waiver requests and determine if it could be granted an interim waiver.

V. Potential Litigation

Mr. Laws made a motion to go into Executive Session to discuss a potential litigation matter. The motion was seconded by Dr. Andrus and the Board entered into Executive Session at 3:59 pm. The Board came out of Executive Session at 4:42 pm.

Dr. Andrus, Dr. Edney, and Mr. Jeanne, did not return to the meeting after the Executive Session.

VI. Executive Director Report

The Executive Director Report was provided for review by the Board on Simbli and Ms. Polk provided the following updates:

- Fall Rules Clinics were virtual and occurred the present week. Ms. Polk thanked Dr. Bley for attending the clinics to share the medical perspectives.
- Dragon Fly-officials begun registering
- Marketing-social engagement on social media has increased thanks to the efforts of Ms. Mark.
- NFHS started activities week
- Sportsmanship banners arrived and will be delivered to the winners.
- DIAA was awarded a grant by the American Lung Association and received \$2500 increase from last year's award.
- MOUs-80% of MOUs have been received

VII. Other Items for Discussion Only

Mr. Hart and Mr. Thompson shared frustrations regarding the various topics/issues that still have to be addressed and the length of time it takes to address these issues.

VIII. Public Comment

Jennifer Mayer- Athletic Director Christiana HS-Had questions such as are disposable masks permitted for football? There was mention about Officials using locker rooms; however, based on the approval of Christiana Facility Plan that was approved by DPH the locker rooms will be closed. Why were scrimmages for football discussed and no other sports? Need to look at how sport specific guidelines compare to DPH guidelines

IX. Adjournment

Dr. Layfield made a motion to adjourn the meeting and the motion was seconded by Mr. Breeding. The meeting adjourned at 4:37 pm.